

N. B. Orader

The Jubilee of Confederation 1867-1917



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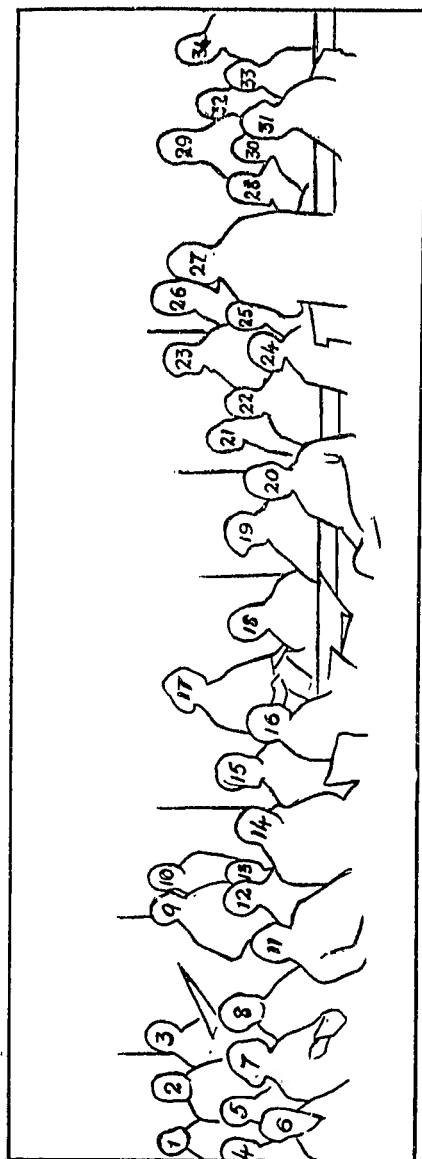
171

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OF
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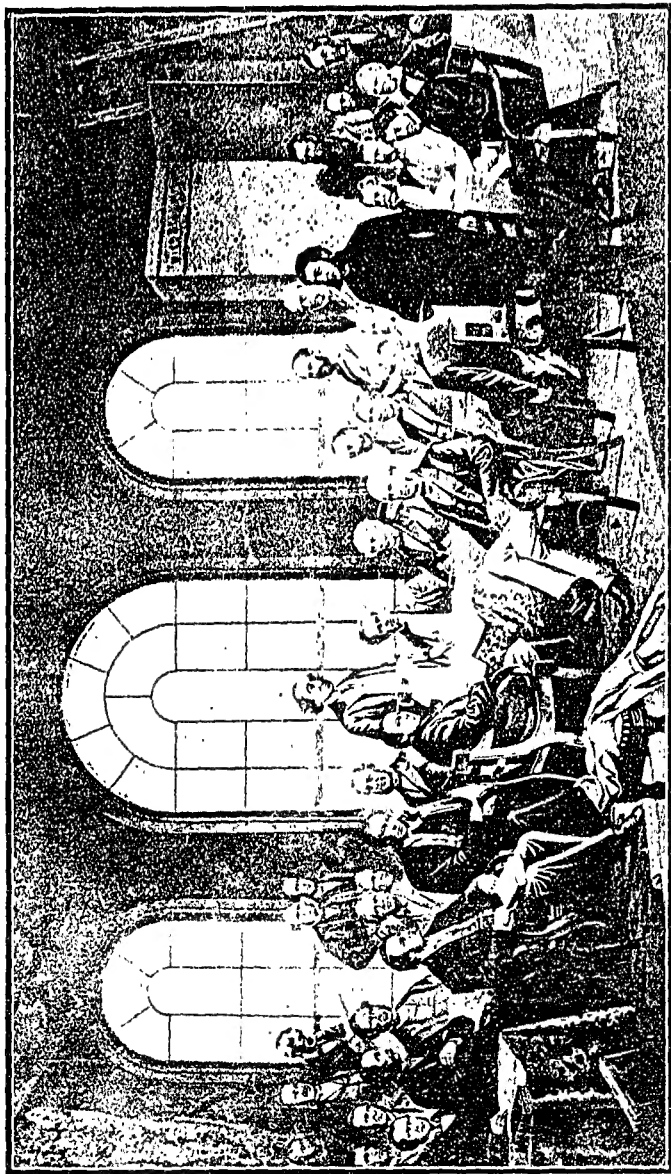


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THE FATHERS OF CONFEDERATION

(Reproduced from old lithographic print, now in the possession of Hon. Wilfrid Gariepy)

CONTENTS

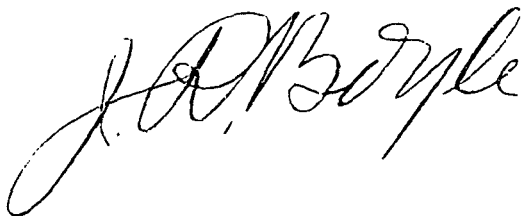
	PAGE
Foreword	7
The Provinces before Confederation	9
Influences towards National Confederation	12
Confederation Consummated	17
Provisions of Confederation	21
Additions to Confederation	24
Canada Today	28
Appendix I	31
Appendix II	31
Appendix III	31
Appendix IV	32
Appendix V	32
Appendix VI	33

FOREWORD

The commemoration of the Jubilee of Confederation is a duty which, I am sure, appeals to the patriotism of the Canadian people from the Atlantic Ocean to the Pacific.

The Canadian Clubs of the province having generously offered to donate prizes to the pupils of our public schools with a view to stimulating a deeper interest in this great event in our history, I thought it opportune that the historical facts, in greater detail than is usually found in the authorized school text-books, be assembled in pamphlet form, to assist the teachers in impressing upon the minds of their pupils the importance of having a close acquaintance with this period of Canadian history.

This pamphlet, prepared at my request by Mr. John Blue, B.A., Mr. R. A. Barron, B.A., and Mr. M. H. Long, B.A., will, I trust, prove of great service to the teaching profession of the province.

A handwritten signature in cursive script, reading "J. A. Boyle". The signature is written in dark ink and is positioned above the title "Minister of Education."

Minister of Education.



The Provinces Before Confederation

The history of the Canadian Constitution may be divided into the following periods:

1. The period of Military Rule.....1760-1763
2. The period of the Royal Proclamation.....1763-1774
3. The period of the Quebec Act.....1774-1791
4. The period of the Constitutional Act.....1791-1840
5. The period of the Union Bill.....1840-1867
6. The period of the British North America Act....1867

With the fall of Quebec in 1760 the foundations of Canada began to be laid. The Canada of that day stretched as far west as Lake Superior and included the country to the south between the Ohio and the Mississippi. Westward the territory was unexplored and considered inaccessible.

Civilization hugged the St. Lawrence. Beginning about 80 miles below Quebec the 70,000 odd people were strung out along the river bank for 170 miles as far west as Montreal. West of Montreal were virgin forests and uncharted rivers.

The unsettled condition of the country following the surrender of the French, necessitated a military government which continued until 1763. In that year Canada formally passed into the possession of England by the terms of The Treaty of Paris. A proclamation was then issued by George III which established the first system of English government with General Murray as Governor-General. The laws, customs and judicial forms of the ancient French colony were overthrown and the English language became the sole official medium of communication. All public offices were conferred on British-born subjects, other good positions being let out to the highest bidders. This rough-and-ready administration could not last and complaints continually reaching England resulted in the passing by the British Parliament of the Quebec Act, 1774.

The Quebec Act

The provisions of this Act extended the boundaries of Canada to the borders of New England, Pennsylvania, New York, Ohio and the left bank of the Mississippi. The bill released the Roman Catholics from all penal restrictions and declared that the French laws were to be the rules for decisions relating to property and civil rights, while the English Criminal Law was established in perpetuity. The statute lodged both departments of government, legislative and executive, in the hands of the governor and his council. The council was to be appointed by the crown and its powers were limited to levying local taxes and administering the internal affairs of the province. Under the provisions of this Act Canada was governed for seventeen years.

The Constitutional Act of 1791

This Act divided Canada into two provinces, the boundary line between the two being roughly the Ottawa river. The population of Lower Canada was estimated at 140,000, of whom the vast majority were of French origin, while Upper Canada, with a population of 25,000, was preponderatingly British being mostly of Empire Loyalist stock. The Treaty of Versailles, made at the conclusion of the revolutionary war, restricted the boundaries of Canada. That fertile territory lying between the Ohio and the Mississippi was lost, and the middle of the Great Lakes, the forty-fifth parallel in north latitude and the St. Croix river in New Brunswick became the southern boundary. Canada had still, however, the great inheritance of the North-West, stretching to the Pacific Ocean into which her sons could enter.

The framers of the Constitutional Act endeavored to adhere as closely as possible to the British Constitution. There were two houses, the Legislative Assembly resembling the House of Commons and the Legislative Council resembling the House of Lords. The Assembly was chosen by the people and the Council was appointed by the crown. There was this great difference, however, the cabinet in England was generally chosen from the House of Commons and could be changed if their policy failed while the Executive Council in Canada was independent of the Assembly. This fundamental difference in the two constitutions was the cause of much contention between Canada and the Mother Country and the disturbances of the period reached a climax with the Papineau rebellion in 1837. The crisis demanded an intelligent understanding of Canadian conditions and the Imperial government dispatched Lord Durham to Canada. He landed at Quebec on May 27th, 1838. In six months' time this statesman had examined the difficulties of the colonists and his report is a classic on constitutional reform. Among other suggestions Lord Durham recommended (1) a legislative union of all the provinces, (2) an executive council responsible to the assembly and (3) an intercolonial railway.

The result of Lord Durham's report was the enactment of the Union Bill of 1840. The two provinces were again united with one Legislative Council and one Legislative Assembly. The Council was made responsible to the Assembly and the latter body had control of all revenues. This was a great advance on the Constitutional Act of 1791. Legislation could now be carried on in harmony with the majority. Restrictions, of course, remained but the outworks had been carried by the reformers and Canada took a great forward step in the direction of self government. Under the provisions of this bill Canada continued to be governed until Confederation in 1867.

The Maritime Provinces

Nova Scotia, New Brunswick, Prince Edward Island and Cape Breton formed one province until 1784. Then each became separate provinces, but Cape Breton was joined to Nova Scotia in 1819.

The constitutional histories of Nova Scotia and New Brunswick were different from those of the River provinces. They had both

received a constitution some years before Upper or Lower Canada. This constitution consisted of a governor, representing the Sovereign, and a parliament comprising two houses, the Council and the Assembly.

The Council was appointed by the Crown, i.e., by the governor acting in behalf of the Crown. Its members were usually selected from the most wealthy and influential class and held office for life. The Bishop of the Church of England and the Chief Justice were *ex officio* members of the Council. In Nova Scotia the Assembly was at first elected for no definite period but continued during the pleasure of the governor.

The inability of the Assembly to control revenue and expenditure, which was the cause of so much trouble in the Canadas was the source of strong dissatisfaction in the Maritime Provinces. In New Brunswick disputes between the two branches of the Legislature began early, originating in the rejection by the Council of a bill providing for the payment to members of the Assembly of seven shillings and sixpence per day during the session. The Assembly then placed the amount with the appropriation for roads and bridges and other public services. The Council rejected the whole bill and for three years no monies were voted.

At the time of the union of the two Canadas (1840) considerable changes were made in the Nova Scotia constitution. Additions were made from the popular party to the Legislative Council and a larger number were taken from the Legislature into the Executive Council, while the tenure of higher offices was no longer for life.

The government of Prince Edward Island was separated from that of Nova Scotia in 1770 and in 1773 a Legislative Assembly was constituted to which the Executive was later recognized as responsible.



Influences Towards National Confederation

It is distressing to recall that the first impulse towards the rise of a Canadian Nation under the British flag came from a great disaster to the British Empire on this continent. It would be fruitless to recapitulate that story of mutual misunderstanding, of the thousand-and-one motives, noble and ignoble, that animated the actors on both sides in the great tragedy of the American Revolution.

In that crisis there were not lacking those clear-sighted ones who saw the looming calamity that was before them and who strove to avert it. While standing firm by liberty they at the same time deprecated the resort to force and proclaimed their faith that by appealing to the justice and generosity of Britain through further constitutional agitation they would in the end gain their rights. They hoped thus to achieve liberty on the one hand and preserve the unity of the race on the other, and their weight was thrown into the scales against that appeal to arms which would inevitably destroy one or other of these precious things.

Thus was the foundation of the Canadian Nation laid in loyalty and in sacrifice. For the United Empire Loyalists were the real founders of British Canada because they brought with them the two great principles for which the Canadian Nation stands—a standard of justice and of liberty as great and glorious as that of the Republic to the south, combined with loyalty to the British Empire and its mission in the world. And fortunately there still remained half of the continent of North America as an adequate stage upon which these great ideals could be worked out.

It is altogether fitting that from one of these Loyalists, William Smith, Chief Justice of Canada, there should come the first tentative proposal for a confederation of the remaining colonies of British North America. He attributed the American Revolution to the jealous separatism existing among the colonies owing to the lack of a central co-ordinating government. To remedy this defect in the Provinces that were still left to Britain and to make them strong against possible attack by the Republic he advocated as early as 1790 the establishment of a central legislature for the whole of British North America. It is interesting to note that in his scheme Chief Justice Smith speaks with prophetic vision of "the new nation" about to be created, and he predicts that it will be a source of strength to Great Britain in the coming years.

Then came the war of 1812 to give added force to the project of closer union. It afforded a startling proof of the isolated and dangerous position of the divided provinces. It also gave to the diverse and scattered inhabitants of Canada the glorious tradition of a common, victorious defence against a superior foe.

The odds were great. The five hundred thousand inhabitants of British North America had to defend their homes against a bordering state whose population numbered eight million people. Britain, far distant and preoccupied in the world war against Napoleon, was greatly hampered in sending military aid. But the extremity of the peril was only the greater spur to vigorous action. Every difficulty was surmounted. The national defence became not the work of any one section of the people, but of all. The Canadas and the Provinces by the Sea, French Canadians, Loyalists and recent settlers from Great Britain, all bore their part. Thus, through the common effusion of blood, poured out freely in the same righteous cause, the traditions of New France, of Loyalist America and of the Motherland, became commingled and fused into a distinctively Canadian tradition about which the growing national consciousness could take form.

It was not to the Loyalists only that the ideal of Canadian National Unity made its appeal. It touched a sympathetic chord also in the hearts of their opponents, the Radical Reformers. Thus in 1824 we find William Lyon McKenzie writing to Mr. Canning that it is his belief that "a union of all the colonies with a government suitably poised and modelled would require few boons from Britain and would advance her interests much more in a few years than the bare right of possession of a barren uncultivated wilderness of lake and forest with some three or four inhabitants to the square mile can do in centuries."

In this respect McKenzie was at one with the great British liberal and imperialist who came to Canada to diagnose and prescribe a remedy for that complex of colonial grievances which had led the impulsive reformer into revolt. Nowhere, either among British or Canadian statesmen, do we find a more prescient vision of the needs of the Canadian Nation that was coming into being.

In his epoch-making report Lord Durham says, "Such a union would at once decisively settle the question of the races; it would enable all the provinces to co-operate for all common purposes, and above all, it would form a great and powerful people possessing the means of securing good and responsible government for itself. I am in truth, so far from believing that the increased power and weight that would be given to the colonies by union would endanger their connection with the Empire, that I look to it as the only means of fostering such a national feeling throughout them as would effectually counterbalance whatever tendencies may now exist towards separation."

It is true that Durham spoke of a Legislative and not a Federal Union such as was later to be effected, but none the less with a master's touch he showed in his great report, the advantages which would ensue from the union of the colonies of British North America into a single state. But like Smith and Sewell and McKenzie before him, Durham stood in advance of his day, and a quarter of a century was still to elapse before the goal that these men had spied from afar was to be attained.

The decade that followed Durham's visit to Canada saw little outward advance towards the ideal of national unity, but indirectly

events were shaping towards its furtherance. The vital question of Responsible Government was finally solved under the wise and tactful Elgin. The vexed questions of the Clergy Reserves, the Rebellion Losses Bill and Seigniorial Tenure were settled. The sweeping away of these old controversial subjects together with the establishment in the Canadas of good systems of municipal government left the stage much more clear for the growth of the national idea.

In 1849 the British American League, founded largely under MacDonald's inspiration adopted the confederation of the provinces as one of its main objects, and in 1854 we have the first formal adoption of the idea by a legislative body. This was in Nova Scotia when Johnston, leader of the Conservative Opposition, proposed the following resolution which was unanimously passed:

"Resolved that the Union or Confederation of the British Provinces on just principles, while calculated to perpetuate their connection with the parent state, will promote their advancement, increase their strength and influence, and elevate their position." In 1857, however, when Johnston as Prime Minister pressed his policy on the British Government he met with no response.

The leaven of National Unity was now working strongly in all parts of British North America, and in the following year there came an equally formal manifestation of it from Canada. Owing to the vigorous advocacy of Sir Alexander Galt, the speech from the throne in Canada in 1858 contained the paragraph—"I propose in the course of the recess to communicate with Her Majesty's government and with the government of the sister colonies on another matter of great importance. I am desirous of inviting them to discuss with us the principles upon which a bond of a federal character, uniting the provinces of North America, may perhaps hereafter be practicable." In pursuance of this project Cartier, Galt and Rose subsequently went to England to consult the British Government.

In the meanwhile the slow-growing national instinct which was the fundamental cause of confederation began to be strengthened by various practical influences which were its immediate causes. Prominent among these were the many and obvious disadvantages of the existing heterogeneous and disunited system. Hostile provincial tariffs hampered the free interchange of goods and the growth of industry. The great railway age had arrived but the vacillating and uncoordinated policies of the different provinces had minimized construction, and the long-mooted Intercolonial Railway was still a dream. Independent telegraph and postal systems, divergent laws, civil and criminal, different currencies, all added to the confusion and helped to produce that stagnation in British North America which was the strongest argument of those who championed annexation to the United States. One writer says that "in a hundred directions it was felt that to confine within provincial bounds the currents of political life meant industrial and commercial atrophy."

To these internal conditions that called aloud for Confederation as their only remedy, was now added the even greater force of external peril. The American Civil War broke out in 1861, and the Trent affair, the exploits of the Alabama, the ill-concealed sympathy of the

English government for the South, and the Fenian raids across the border permitted by the North, more than once brought Britain and the United States to the verge of war. Of such a war Canada would be the battle ground. The remedy was as obvious as the danger. In unity alone was strength and strength alone meant safety.

Though the dreaded clash did not come, yet the strained relations left a legacy of anti-British feeling in the States that found vent in commercial retaliation against Canada. The Reciprocity Treaty, under which Canada had prospered was denounced and the abrogation of the bonding privilege was threatened. To this again Confederation was the only answer. It would supply the larger home market which would at least partly take the place of that lost in the United States. It would make Canada a sufficiently large economic entity to negotiate commercially with other states much more advantageously than any colony singly could ever do. Moreover such a confederation would be able to achieve the building of that Intercolonial Railway which would minimize the dependence of Upper Canada on the bonding privilege and on the ice-free ports of the United States.

The call of the Great North-West, also, lured Canada on to the fulfilment of her national destiny in Confederation. In 1859 the right of the Hudson's Bay Company to exclusive trade in certain regions expired. In spite of the secretiveness of the fur traders, wonderful tales of the fertility of the prairies had spread to the East. For a thousand miles the boundaries of that "great lone land" marched side by side with those of the rapidly settling American North-West. But if it was to be kept for Canada and for Britain immediate action was imperative. Settlement must take place. Strong government must be established. Only thus could Canada extend her territory to the Pacific and come into the great inheritance of half a continent. But to buy out the rights of the Company and take possession of the West was a task that only a confederated East could undertake. To enter into the national heritage Canada had first to become a nation.

No one has given more vivid expression to this aspect of the need for confederation than the Hon. George Brown. "Who can look at the map of this continent," he said at Belleville in 1858, "and mark the vast portion of it acknowledging British sovereignty, without feeling that union and not separation ought to be the foremost principle with British American statesmen? Who that examines the condition of the several provinces which constitute British America, can fail to feel that with the people of Canada must mainly rest the noble task, at no distant date, of consolidating these provinces, aye, and of redeeming to civilization and peopling with new life the vast territories to our north, now so unworthily held by the Hudson's Bay Company. Who cannot see that Providence has entrusted to us the building up of a great northern people, fit to cope with our neighbors of the United States, and to advance step by step with them in the march of civilization? Sir, it is my fervent aspiration and belief that some here tonight may live to see the day when the British American flag shall proudly wave from Labrador to Vancouver Island and from our own Niagara to the shores of Hudson's Bay."

It is altogether fitting that from a man endowed with such an inspired view of Canada's future as George Brown, should have come the first move towards making the confederation which was the key to that future, a question of immediate practical politics. The Act of Union of 1840 had given Upper and Lower Canada equal representation in both branches of the legislature. This political dualism, combined with the multiplicity of parties, had had disastrous effects on the working of the constitution. It had brought it about that practically every ministry was perforce a coalition and coalitions are notoriously unstable. It had led also to the development of the pernicious double majority principle—that no ministry should be held to possess the confidence of Parliament unless it could command a majority in both the Upper and Lower sections of the Province. It also in the end introduced the burning question of "Representation by Population" into politics, for Upper Canada now having a considerably larger population than Lower Canada, demanded a readjustment in her favor. This the sister province bitterly opposed on the ground that it had formerly suffered the same disability without complaint. So even and permanent was the division on this question that in June, 1864, the party system of government collapsed and deadlock supervened.

Out of this impasse a way was opened up by the action of George Brown, leader of the Upper Canada Reformers who had championed representation by population. The overtures made by Brown to his rival John A. Macdonald were met in a friendly spirit, and the result of the negotiations which ensued was the formation of a Coalition Ministry under the Premiership of Etienne Taché. The avowed object of the coalition was to find a solution if possible for the deadlock in Canada by merging the two sections of that province in a new and broader union. At the identical moment that statesmanship in Canada was thus taking the place of party feuds and personal animosities, the provinces by the sea were taking preliminary steps for a union among themselves. The opportunity was unique. In all the provinces at the same time after seventy years of separate existence, the slowly gathering influences towards confederation had at last come to maturity. Upon the wisdom and patriotism of public men now depended the consummation of that great event.



Confederation Consummated

The system of governing the united Provinces of Upper and Lower Canada broke down in 1864. This is a memorable date in Canadian history.

In the previous three years there had been two elections and four ministries had been defeated.

On the day that the Taché-Macdonald ministry was defeated (June 14th, 1864), George Brown, who had not spoken to John A. Macdonald for ten years, proposed a coalition that would enable the government of the country to be carried on while plans could be considered for a solution of the constitutional deadlock. Nothing in the useful and honorable careers of either Macdonald or Brown redounds more to their glory than their actions on this occasion. Sinking their party differences and personal antipathies they sought with the courageous support of Cartier and Galt to substitute for the long standing futile battle for the maintenance of a balance of interests, the saner principle of a community of interests as the real basis of a national policy. Macdonald gladly accepted the proposal of Brown and negotiations passed between the two leaders which resulted in the famous coalition ministry—the first and last in Canada. Both agreed that the only solution was a federal union of the Provinces of British North America. The agreement was based on the Ministerial promise contained in the following terms:

“The government are prepared to pledge themselves to bring in a measure next session for the purpose of removing existing difficulties by introducing the federal principle into Canada, coupled with such provisions as will permit the Maritime Provinces and the North-West Territory to be incorporated into the same system of government. And the Government will seek, by sending representatives to the Lower Provinces and to England, to secure the assent of those interests which are beyond the control of our own legislation to such a measure as may enable all British North America to be united under a General Legislature based upon the federal principle.”

On June 30th the coalition ministry was announced. It was pledged to some form of union that would embody the principle and objects stated above.

Confederation of the Maritime Provinces

While events were thus taking their course in Canada, the legislatures of New Brunswick, Nova Scotia and Prince Edward Island during the same year, had passed resolutions arranging for a conference of provincial delegates at Charlottetown in September “for the purpose of considering the subject of the union of the three provinces under one government and legislature.” (N. S. Resolution.)

The work of promoting union had been enthusiastically supported by Tilley in New Brunswick and by Tupper and Howe in Nova Scotia,

although Howe, owing to his duties as Imperial Fishery Commissioner, was unable to take any part in the actual doings of the conference. Like the statesmen of Canada, the leaders of the Maritime Provinces placed the question above the consideration of party and united wholeheartedly in the common cause.

The conference met as arranged. Meanwhile the coalition government of Canada had asked that a delegation from Canada be permitted to attend the conference. The request was readily granted and the Canadian delegates arrived from Quebec by steamer on the second day of the conference. Macdonald, Brown and Galt made a deep impression on the conference, speaking respectively on the constitutional structure, the general parliament and the financial terms of the proposed federation—subjects that have been the crux in all problems in federations in other parts of the Empire since, and the ones that stand in the way of the new imperial federation to come.

So great was the impression made by the Canadian delegates that it was decided to call a new conference at Quebec to be attended by delegates from all the provinces of British North America.

The second conference met at the old capital of Quebec on October 10th. Students of British history cannot but be moved by the spectacle and importance of this conference. It was the consummation of a great centripetal movement that had been at work in the British possessions in North America since the Declaration of Independence in 1776, and an evidence that political development in the British Empire would be along the path of co-operation and consolidation. Canada had taken the lead in solving the imperial as well as the national problem.

Thirty-three delegates were present. Sir E. P. Taché, the premier of Canada, was chairman. The sessions were secret, so that each delegate might be free to express his views, and lasted until the 28th of the month. The outcome of the conference was a series of seventy-two resolutions intended as the basis for the formal Act of Confederation. The resolutions were to be submitted to the various legislatures for approval before the imperial government would be asked to enact the necessary legislation effecting the union. Here the real battle began. Outside of Upper Canada there developed a formidable body of public opinion which taxed the resources of the various governments to the full before success was gained. The Maritime Provinces actually rejected the Quebec resolutions though they finally decided in favor of federation and it was largely due to the genius of John A. Macdonald that when the delegates met in London the resolutions were accepted as the basis of the British North America Act.

On February 3rd, 1865, a motion was introduced into both houses of the Canadian Parliament that an address be presented to Her Majesty praying that a measure be submitted to the Imperial Parliament based on the resolutions. In the Legislative Council the address was carried by a vote of 45 to 15 and in the Assembly by a vote of 91 to 33. The speeches in this debate are among the greatest in the history of parliaments, especially those of Macdonald, Brown, Cartier,

Galt and McGee in favor of union, while those of Dorion, Holton and John Sanfield Macdonald in opposition reached a high level. They were great men dealing with great issues beyond the penumbra of party politics.

In the Maritime Provinces

The battle for union was not so easily won in the Maritime Provinces. Newfoundland and Prince Edward Island definitely withdrew from further negotiations. An election was held in New Brunswick in June, 1865, in which confederation was the issue, and the Tilley Government was overwhelmingly defeated. Fear of direct taxation, loss of trade with the United States and the distrust of the policy of secrecy in framing the Quebec Resolutions coupled with the opposition of the Governor of the Province defeated the scheme. After the election the Governor returned to England. His course was not acceptable to the British Government, and when he returned he was in favor of confederation. His action compromised the anti-confederation ministry to such an extent that it resigned in April, 1866.

The new ministry dissolved the Assembly. The elections resulted in a complete victory for confederation. By a vote of 30 to 8 the new legislature adopted a resolution appointing delegates to arrange with the Imperial authorities a scheme of union. The change in sentiment was largely due to the ability and energy of Peter Mitchell and Leonard Tilley. They hold a high place in the history of union.

IN NOVA SCOTIA

The defeat of federation in New Brunswick gave a check to the movement in Nova Scotia and wakened the anti-confederation elements to active opposition. Here as in New Brunswick they were abetted by the Governor. The Quebec Resolutions aroused antagonism from the first among the mercantile men of both parties, and were unsparingly denounced by Howe in his speeches and famous newspaper articles in which he nicknamed the Confederation scheme of the resolutions as "the Bothereation Scheme."

Through the tactics of Premier Tupper the issue was skillfully evaded in the legislature until the session of 1866. In that session William Miller, member for Richmond, hitherto a bitter opponent of confederation, precipitated the issue by a proposal that though the Quebec Resolutions were open to objections, yet union was desirable. The proposal was adopted by Tupper and presented as a formal resolution as follows:

"Whereas in the opinion of this House it is desirable that a confederation of the British North America Provinces should take place:

"Resolved: That the Lieutenant Governor be authorized to appoint delegates to arrange with the Imperial Government a scheme of union which will effectively assure just provisions for the rights and interest of the province; each province to have an equal will in such delegation, Upper and Lower Canada being for this purpose considered as separate Provinces."

After an extremely bitter debate the resolution was carried by a vote of 31 to 19. Such was the fate of the Quebec Resolutions in the Maritime Provinces, but the battle for union was won, and an example set which was followed in due time by our fellow subjects overseas in Australia and South Africa.

The Governments of all the Provinces were authorized to proceed with the formalities of effecting Confederation. Delegates met in London in December, 1866, under the Chairmanship of Lord Carnarvon, the Colonial Secretary. The basis of the negotiations was the Quebec Resolutions. In February the completed Bill was submitted to the Imperial Parliament and became law March 29th, 1867.



Provisions of Confederation

The preamble to the British North America Act expresses a desire for a federal union. In framing the act the delegates from Canada and the British Government kept before them the experience of the United States and attempted to avoid the weakness of that system, the primary error of which was the reservation to the different states of all the powers not expressly delegated to the central government. Some of the delegates were in favor of a legislative union, but the delegates from Lower Canada and the Maritime Provinces stood resolutely for a system that would preserve the separate provincial organization. The federal scheme also afforded an opportunity for representation by population in the elected branch of the legislature, a provision that eliminated this grievance in Upper Canada without offending Lower Canada. Provincial equality was aimed at in the Senate, the nominated branch of parliament.

The dominant aim of the delegates was the perpetuating of our connection with the Mother country and a desire to follow the model of the British constitution as far as possible. This was expressly stated in the third resolution of the Quebec conference and the preamble to the act declares for a constitution "similar in principle to that of the United Kingdom." With the exception of the written part of the constitution which is contained in the British North America Act the Canadian Constitution is the British Constitution including its wonderful system of customs, precedents and conventions.

Division of Legislative Power

The most important sections (91, 92 and 93) of the British North America Act deal with the division of legislative power between the federal or central government on one hand and the provinces on the other. The federal government is vested with the sovereign power of the state, that is, to "make laws for the peace, order and good government of Canada," in relation to all matters not assigned exclusively to the legislature of the provinces; and for greater certainty a list of twenty-nine subjects are enumerated in Section 91, over which the federal government has absolute control. Section 92 specifies the subjects delegated to the provinces and it should be borne in mind that with respect to these subjects the provincial legislatures are supreme.

The section dealing with education (93) has given rise to much controversy and should be familiar to every citizen of Canada. Under this section the province "may exclusively make laws in relation to education" provided any such law does not "prejudicially affect any right or privilege with respect to denominational schools which any class of persons have *by law* in the province at the time of the union." If legislation is enacted by the provinces with respect to such schools

there lies an appeal to the Governor-General in Council and the Parliament of Canada may enact remedial legislation as the circumstances of each case may require.

Concurrent jurisdiction is given to the federal and provincial governments respecting immigration and agriculture, but any such law enacted by the provincial legislature must not be repugnant to any act of the Parliament of Canada.

Executive Power of Dominion Government

Executive power is vested in the King, who is aided and advised in the government of Canada by the King's Privy Council of Canada. It is significant that the act is silent as to responsible government or the methods and maxims by which the cabinet is to be constituted. The fathers of confederation were not hard-bitted theorists, they were animated by British traditions and stereotyped British practice only where it was necessary in the local conditions incident to the federal machinery.

Federal legislative power is vested in the King, the Senate and the House of Commons.

Senators are not elected, but summoned in the same manner as persons are summoned by the King to the House of Lords in Great Britain and Ireland. In reality they are nominated by the leader of the dominant political party.

The House of Commons is elected by the people at least once in five years. Representation by population is secured by giving Quebec sixty-five members. A census of the nation is taken every ten years and the proportion that sixty-five bears to the population of Quebec is applied to the rest of the provinces of Canada and the readjustment authorized by Parliament. Owing to rapid increase in the population of the prairie provinces, a census is taken every five years and increased representation given.

As in Great Britain, bills for appropriating any part of the public revenue or imposing a tax on imports must originate in the House of Commons.

Executive Power in the Provinces

The Legislature of each province consists of the Lieutenant Governor and the Legislative Assembly. In Quebec and Nova Scotia there is also the Legislative Council.

Executive power in the provinces is vested in the Lieutenant Governor. He is aided and assisted by the Executive Council.

"The provincial governors are local officials appointed by the Dominion Ministry, and the Dominion Government has a power of disallowing provincial measures. With regard to the provincial constitutions, the general conclusion appears to be that, so far as possible, the working principle of earlier separate constitutions is intended to be continued in the constitution of the separate provinces."

Judicature

Provision was made for the establishment of a Supreme Court for Canada or a General Court of Appeal. The judgment of this court is final "saving any right which His Majesty may be graciously pleased to exercise by virtue of his royal prerogative." Another bond of union between the Dominion and the Crown of true imperial significance.

The organization of courts of inferior and superior jurisdiction is left to the provinces. The judges of such courts, except police magistrates and justices of the peace, are appointed and paid by the Dominion government.

Public Lands

Ownership and property rights in land and mines are vested in the provinces except Manitoba, Saskatchewan and Alberta.

Financial Terms

The Dominion of Canada was made liable for the debts of all the provinces at the time of the union as follows:

- (a) Ontario and Quebec up to 62 millions;
- (b) Nova Scotia up to 8 millions;
- (c) New Brunswick up to 7 millions.

Provision was made at the union for the provinces afterwards admitted without debt, that there should be paid to them an ascertained amount yearly in lieu of debt. Alberta and Saskatchewan and Manitoba have benefited by this provision.

Because of the surrender of the rights of indirect taxation and the powers of collecting revenue, provision was made whereby the Dominion government pays an annual cash subsidy to each of the provinces under the following heads:

- (a) Per capita grant—80¢ per head of the population.
- (b) In support of government and legislature.

Since 1867 there have been several conferences of Dominion and provincial representatives to readjust the financial terms of the British North America Act.

Intercolonial Railway

The necessity, within six months from the consummation of the Union, of beginning the construction of a railway connecting the River St. Lawrence with the city of Halifax was an outstanding provision of the British North America Act (S. 145).

New Provinces

The Act provided for the admission of any British colony or possession in North America; Prince Edward's Island, Newfoundland, British Columbia, Rupert's Land and the North-Western Territory upon addresses from the Houses of Parliament of Canada to the Queen and her Privy Council.

Additions to Confederation

The Canadian leaders never lost sight of the regions of Rupert's Land, the North-Western Territory and British Columbia, "they foresaw the danger of the rich prairie land falling under foreign control and entertained no doubts as to the necessity of terminating in favor of Canada the hold of the Hudson's Bay Company over these regions."

On December 16th, 1867, addresses were given in the Senate and House of Commons praying for the admission of those territories into the union. Accordingly the British Government passed the Rupert's Land Act, enabling the Dominion to accept the surrender of the territory with all the territorial and other rights conveyed by the original charter of 1670. Cartier and MacDougall went to England to negotiate for the extinction of the rights of the Hudson's Bay Company. It was agreed that the Company should receive £300,000, one-twentieth of the land in the fertile belt, and 50,000 acres around its various trading posts. The Canadian Parliament formally ratified the agreement and the Privy Council of Great Britain surrendered the territory on July 15th, 1870. Unfortunately the establishment of Canadian authority was attended by serious disturbances on the part of the native population in the Red River Valley.

For a number of years the Canadians in the North-west had been in favor of a union with Canada. Joseph Howe, now a member of a Confederation ministry, visited Manitoba in October, 1869. He assured the people they would have the same constitution as the other provinces if they entered the union. The prospect of union with Canada aroused the fears of the Metis led by Louis Riel. They were afraid of being submerged by Canadian immigration. In their fears of union we may discern the sentiments that actuated the people of Quebec and the Maritime Provinces a few years before with respect to confederation. Anticipating the transfer of the territory on December 1st, 1869, a Bill of Rights was drawn up and a provisional government declared by Riel on November 24th, to supersede the rule of the Hudson's Bay Company and oppose the entrance into the country of Governor McDougall, who was on his way to Winnipeg to take over the administration of the North-West on behalf of the Government of Canada. Governor McDougall was held up before he reached Winnipeg and forced to return to Canada. The country was at the mercy of the rebels and it became necessary to send an armed force from Canada of British soldiers and Canadian volunteers to restore peace and order.

The Government of Canada then opened negotiations with the people of Red River. Commissioners were sent to Ft. Garry and delegates sent to Ottawa on behalf of the people, with terms of union.

The outcome of these disturbances was the passing of the Manitoba Act which erected the Red River Settlements and others spread over the plains into a Province with a Governor, a Legislative Council of seven members appointed by the Governor General in Council and

a Legislative Assembly of 24 members elected by the people. The Bill incorporating the province passed the House of Commons, May 12th, 1870.

The Government of that portion of Rupert's Land and the North-Western Territory not included in the Province of Manitoba was provided for by extending the Rupert's Land Act of 1869. In 1875 the North-West Territories Act, the Constitutional Act it may be called of the North-West, was passed by the Government of Canada, under which Constitution the Territories were governed until the organization of the Provinces of Alberta and Saskatchewan in 1905.

By an Imperial Order in Council dated May 16th, 1871, passed upon addresses from the Parliament of Canada and British Columbia, the territory north-west of the Rocky Mountains was admitted into confederation July 20th, 1871. The discovery of gold in the Fraser River was followed by a large immigration and a consequent demand for popular government instead of the rule of the Hudson's Bay Company. In 1859 the control of the Colony passed from the Hudson's Bay Company to the British Government and separate legislatures arose in Vancouver Island and on the mainland. These legislatures were united by an Imperial Act in 1866, and it was this wider view of the destiny of the colony that led up to confederation with the Dominion of Canada, the borders of which now reached to the crest of the Rocky Mountains.

In May, 1868, a Confederation League was formed and a Provincial Convention held in Yale in September of the same year. The proposal of Confederation was taken up in the British Columbia Legislature and a delegation sent to Ottawa in May, 1870. The terms of the delegates were accepted by the Dominion Government with few alterations.

The terms of union decided upon were ratified by the Legislature of British Columbia elected in January, 1871, in which the issue was Confederation.

The Province of Prince Edward Island was also, by an Imperial Order in Council, dated June 26th, 1873, obtained in a similar manner, admitted a Province of the Dominion on July 1st, 1873.

Confederation was completed from ocean to ocean with the erection of the North-West Territory into the Provinces of Alberta and Saskatchewan. From 1870 to 1875 the North-West was governed by the Lieutenant Governor of Manitoba assisted by a council appointed by the Governor General in Council. After that date a separate governor was appointed, assisted by the North-West Council. The political history of the Territories from 1875 to 1905 is a struggle on behalf of the Legislative Assembly for increased legislative power and freedom from the control of the federal government. It is remarkable how the struggle resembles that carried on in the Eastern Provinces for the rights of self-government. Some of those who led in the movement are still active in the public affairs of the West—Hon. Frank Oliver, Hon. Chief Justice Haultain, Senator J. H. Ross and Hon. A. L. Sifton, now premier of Alberta. Representation in the Dominion Parliament was first granted in 1887—the whole province of Alberta

being represented by one member, T. W. Davis. The North-West Council was abolished and the Legislative Assembly established in the same year. This Assembly must not be confused with the body of that name now existing in Alberta or Saskatchewan or in the Eastern Provinces. The Lieutenant Governor was president of the Council; there was no Executive Council whose advice he was bound to take; there was merely an Executive Committee, which had no power to control the Assembly in regard to dissolution or elections respecting that body. In 1897 constitutional changes were enacted by the Federal Government which in the message of the Lieutenant Governor in opening the session that year gave "a completely responsible system of government." For the first time a live Executive Council was chosen and departments created for the better administration of public affairs.

The successful issue of the struggle for responsible government has but one goal in Canada. It has by some mystery of our system and genius of our statesmen always led to union and co-operation. It was so in the North-West Territories. In the closing years of the 19th century—almost a century after the Constitutional Act—the struggle for responsible government had been won in the terms of Lincoln's immortal epitome of democracy: "Government of the people, by the people, for the people."

The next step in the evolution of the North-West Territories was provincial autonomy, which was granted by the Parliament of Canada in 1905. The territory was divided into two provinces and the Government provided for each by the Alberta and Saskatchewan Acts respectively.

It should be noted here that an Imperial Order in Council was not necessary to ratify the agreement between the Governments of Canada and the Territories as in the case of British Columbia and Prince Edward Island for the reason that Canada owned the territories by virtue of the purchase thereof from the Hudson's Bay Company in 1870.

This brings us to a consideration of a special feature of the terms of the admission of the three prairie provinces into confederation—the ownership of the lands in each. By Section 109 of the British North America Act the ownership of public lands was vested in the provinces. A different policy was followed with respect to Manitoba, Saskatchewan and Alberta. It was held by the Federal government at the time of the union of Manitoba that the Government of Canada was in duty bound to administer the lands of the North-West, purchased by the money of Canada, for the benefit of the whole Dominion, and if they were transferred to the province the federal government would be surrendering a trusteeship imposed upon it by the terms of purchase from the Hudson's Bay Company. The purchase of Rupert's Land and the North-Western Territory had been consummated for the national purposes to be executed by building a railway across the continent, formulating an immigration policy with the land of the North-West as an attraction and of equitably extinguishing the title of the native half-breeds and Indians to the public domain. Such

has been the policy of the federal government to the present time though the provinces have never acquiesced in it and have repeatedly sued for the restoration of the lands of the West to the people of the West. The reasons for such a policy are rapidly passing away and there is no doubt that in due time this barrier to provincial status equal to that enjoyed by British Columbia and the Eastern Provinces of Canada, will be removed. It is the last finishing touch necessary to complete the beautiful edifice of the Canadian Confederation.



Canada Today

Confederation was the beginning of greatness for Canada. It was the basis of a new citizenship animating the souls of the population of half a continent. Fifty years ago the people of Nova Scotia were as little known to the people of British Columbia as the people of New Guinea are to both today.

The vast territory from Lake Superior to the Rocky Mountains was in a state of feudalism to the Gentlemen Adventurers of the Hudson's Bay Company.

Today three great railways span the country from the Atlantic to the Pacific and Vancouver is as accessible to the Nova Scotian of today as the country town was to his grandfather half a century ago.

Hundreds of daily newspapers and thousands of weeklies are read in Western Canada by the people who have settled here from the cities and townships of the East.

Millions of bushels of the finest wheat in the world are carried eastward through the lake ports for distribution in the cities and towns of Eastern Canada or to the ocean ports for transport to England.

These conditions reflect the material benefits of union which came with Confederation, and which may be further emphasized by the following statistics:

Statement to Illustrate Material Development of Canada Since First Census of 1871 to Present

ITEM	CENSUS 1871	CENSUS 1911	CANADA YEAR BOOK 1915
Area.....	662,148 Sq. Miles.	3,729,665 Sq. Miles	
Population.....	3,689,257	7,206,643	8,075,000
Railway Mileage.....	2,695	25,400	35,582
Freight Tonnage.....	*5,679,836	79,884,282	101,000,000
Debt.....	\$115,492,68	\$474,941,487	†\$700,473,814
Assets.....	37,286,165	134,899,435	251,097,731
Revenue.....	19,375,037	117,780,409	133,073,482
Expenditure.....	19,293,478	122,861,250	248,098,526
Assets of Banks.....	125,273,631	1,303,131,206	1,596,424,643
Dominion Notes in Circulation.....	7,367,353	99,308,945	152,120,735
Exports.....	74,173,618	315,317,250	490,000,000
Imports.....	96,092,971	472,247,540	630,000,000

* Figures for 1875.

† Canada's net national debt to date is over \$900,000,000; while the total war expenditure is approximately \$600,000,000.

Confederation has raised Canada to a new status in the Empire and in the world. If it has not resulted in granting international status it has gone a long way towards conferring independent national rights. With the exception of the supervision of the treaty-making power and the fact that we are united with the people of the Motherland under the aegis of the British Crown, we are independent. Nothing has been done more to strengthen the tie that binds us to the Empire than the widening of national autonomy since 1867.

In the evolution of Canadian Nationalism we discern a new interest in our fellow-subjects overseas. The liberty and institutions of responsible government we enjoy under the shelter of the Union Jack are too precious to us to be imperilled by isolation or independence. The steps which mark the evolution may be summarized as follows:

(1) In 1876 on representations of the Dominion Government important changes were made in powers contained in the commission in respect to the vice-regal authority of the Governor General, compatible with the position of Canada within the Empire as a dominion, not a colony or dependency, and giving the Dominion "the fullest freedom of political government."

(2) In pursuance of the request of the Government of Canada in 1877 to negotiate her own commercial treaties, and thus obtain full fiscal freedom, the British Government agreed that such treaties should not apply automatically to the self-governing dominions, but that these dominions should be given the option of adherence within two years (Canada Sess. Papers 1883, No. 89.)

(a) As early as 1854 Canada assisted in the framing of the Reciprocity Treaty, and in 1871 Sir John Macdonald was one of the plenipotentiaries in negotiating the Washington Treaty with the United States.

(b) In 1884 the British Government were prepared to permit Sir Charles Tupper to negotiate a treaty directly with Spain.

(c) In 1888 Sir Charles Tupper actually signed, on behalf of Canada, with Mr. Chamberlain, the second treaty of Washington, which, however, was never ratified by the United States Senate.

(d) In 1893 Sir Charles Tupper negotiated a treaty with France which was accepted by the French and British Governments. Sir Charles signed the treaty with the British Ambassador.

(e) In 1907 Mr. Fielding and Mr. Brodeur on behalf of Canada negotiated a separate treaty with France.

(f) In 1911 the Canadian Government entered into a comprehensive arrangement amounting to limited reciprocity and were assisted by the British Ambassador at Washington.

(3) It is now a fixed rule that in all political treaties the Dominion shall be consulted about interests that directly affect Canada. In the General Arbitration Treaties made by Great Britain with the United States in 1908 and 1911 it is expressly provided that His Majesty's Government reserve the right, in case of any questions affecting the interests of a self-governing Dominion, to obtain the concurrence of that Dominion.

And now after 50 years of confederation we are in a position to estimate the success of the great experiment. The last of the fathers has passed away and in this, the jubilee year of union, the people of Canada without division of race, creed, interest or political faith unite to revere the memory of the men who founded the Canadian Nation and pay a just tribute to those who were called upon to guide its course through all the multifarious problems that followed in the train of the British North America Act. Real problems existed and still face us—unity between the races, diplomatic and trade relations with the United States; delimitation of federal and provincial rights, cheap and adequate facilities of transportation, the tariff, and our relations to the Motherland and the other overseas Dominions. All centre round the paramount idea of building up a durable and virile nationalism within the Empire that will secure the efficiency of the state without destroying the individuality of the citizen.

In the solution of these problems the present generation will do well to guide themselves in the broad principles that actuated the Fathers of Confederation. They stood for a workable system of government, not for a theoretical constitution; they desired the union of the provinces on the only basis possible—compromise and fraternity. Above all, their hearts were set to maintain our British connection. In this it is hardly too much to say that they converted British statesmen to a new view of empire. When the delegates from Canada visited England in 1865 on behalf of confederation, George Brown wrote back that there was a manifest desire on the part of British statesmen that ere long the British North America Colonies would shift for themselves. Today there are gathered again in London other delegates from every Dominion deliberating on terms of a grander union that will include them all with the Motherland as equal partners in a galaxy of rations around the British Crown.

Time and the irrefutable logic of events has justified the constructive work of the Fathers of Confederation. Fifty years ago some of their actions were misconstrued and much petty criticism was directed against them. But they worked faithfully with the materials at hand and with sincere purpose. "They may sometimes have taken half a loaf where others would have gone hungry by proclaiming their right to the whole, but they welded the Dominion and kept it part of the Empire for which their grandsons were willing to die at Neuve Chapelle, St. Julien"—Courcellette and Vimy Ridge.



Appendix I.

Coalition Ministry. June 30th, 1864

LOWER CANADA

The Honourable Sir E. P. Taché, Premier and Receiver-General.
 The Honourable Sir G. E. Cartier, Attorney General, East.
 The Honourable Sir A. T. Galt, Minister of Finance.
 The Honourable Sir J. C. Chapais, Commissioner of Public Works.
 The Honourable T. D. McGee, Minister of Agriculture.
 The Honourable Sir H. L. Langevin, Solicitor General, East.

UPPER CANADA

The Honourable Sir John A. Macdonald, Attorney General, West.
 The Honourable Sir Alexander Campbell, Commissioner of Crown
 Lands.
 The Honourable Sir Oliver Mowat, Postmaster-General.
 The Honourable George Brown, President of the Council.
 The Honourable Sir Wm. McDougall, Provincial Secretary.
 The Honourable Sir James Cockburn, Solicitor General, West.

Appendix II.

Delegates to the Charlottetown Conference

From Nova Scotia: Charles Tupper, William A. Henry, Robert B. Dickey, Jonathan McCully, Adams G. Archibald; from New Brunswick: S. L. Tilley, John M. Johnston, John Hamilton Gray, Edward B. Chandler, W. H. Steeves; from Prince Edward Island: J. H. Gray, Edward Palmer, W. H. Pope, George Coles, A. A. Macdonald. Newfoundland, having no part in the movement, sent no representatives. Lord Monek, at the request of his ministers, had communicated with the lieutenant governors asking that a delegation of the Canadian Cabinet might attend the meeting and lay their own plans before it. This was accorded and the visitors from Canada were George Brown, John A. Macdonald, Alexander T. Galt, George E. Cartier, Hector L. Langevin, William McDougall, D'Arcy McGee and Alexander Campbell.

Appendix III.

Delegates to the Quebec Conference

(Fathers of Confederation)

From Canada twelve delegates: Sir Etienne P. Taché, John A. Macdonald, George E. Cartier, George Brown, Oliver Mowat, Alexander T. Galt, William McDougall, T. D'Arcy McGee, Alexander Campbell, J. C. Chapais, Hector L. Langevin, James Cockburn.

From Nova Scotia, five delegates: Charles Tupper, William A. Henry, R. B. Dickey, Jonathan McCully, Adams G. Archibald.

From New Brunswick, seven delegates: Samuel Leonard Tilley, William H. Steeves, J. M. Johnston, Peter Mitchell, E. B. Chandler, John Hamilton Gray, Charles Fisher.

From Prince Edward Island, seven delegates: Colonel John Hamilton Gray, Edward Palmer, William H. Pope, A. A. Macdonald, T. Heath Haviland, Edward Whelan.

From Newfoundland, two delegates: F. B. T. Carter, and Ambrose Shea.

Appendix IV.

Delegates to London Conference

Six from Canada and ten from the Maritime Provinces. The Canadians were: Macdonald, Cartier, Galt, McDougall, Howland and Langevin. From Nova Scotia: Tupper, Henry, Ritchie, McCully, and Archibald. From New Brunswick: Tilley, Johnston, Mitchell, Fisher and Wilmot.

Appendix V.

The first cabinet after Confederation was announced on July 1st, 1867, and began on a non-party basis. In its formation John A. Macdonald had a herculean task, for representation in that body had to be determined by geography, race, creed and party.

Geographically the proportion was: Ontario, five Ministers; Quebec, four and the Maritime Provinces four. Race and creed prejudices were silenced by representation being provided for the French, the Irish Roman Catholics and the English minority in Quebec, while party claims were satisfied in that there were six liberals and six conservatives. Kenny of Nova Scotia had once been a Liberal but had lately acted with the Tupper party. The first administration therefore was thus constituted:

John A. Macdonald, Prime Minister and Minister of Justice.

George E. Cartier, Minister of Militia and Defence.

S. Leonard Tilley, Minister of Customs.

Alexander T. Galt, Minister of Finance.

William McDougall, Minister of Public Works.

William P. Howland, Minister of Inland Revenue.

Adams G. Archibald, Secretary of State for the Provinces.

A. J. Fergusson Blair, President of the Privy Council.

Peter Mitchell, Minister of Marine and Fisheries.
 Alexander Campbell, Postmaster General.
 Jean C. Chapais, Minister of Agriculture.
 Hector L. Langevin, Secretary of State for Canada.
 Edward Kenney, Receiver-General

Appendix VI.

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